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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,357	09/24/2001	Nicholas F. D'Antonio	DA7119US (#90036)	7922

28672 7590 04/11/2005
D. PETER HOCHBERG CO. L.P.A.
1940 EAST 6TH STREET
CLEVELAND, OH 44114

EXAMINER

LAM, ANN Y

ART UNIT	PAPER NUMBER
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1641

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/937,357	Applicant(s) D'ANTONIO ET AL.	
	Examiner Ann Y. Lam	Art Unit 1641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-10, 12-15, 18, 19, 21, 23-35, 48-55 and 57-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1, 2, 5-10, 12-15, 18, 19, 21, 23-35, 48-55, 57-87 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges that a restriction requirement has not been previously made. However, upon further consideration, Examiner believes the following restriction requirement is proper.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 2, 5-10, 12-15, 18, 19, 21, 23-35, drawn to a hypodermic injection system, classified in class 604, subclass 207.
- II. Claim 48, drawn to a hypodermic injection system, classified in class 604, subclass 227.
- III. Claims 49 and 51, drawn to a hypodermic injection system, classified in class 604, subclass 188.
- IV. Claims 50 and 51, drawn to a hypodermic injection system, classified in class 604, subclass 80.
- V. Claim 52, drawn to a hypodermic injection system, classified in class 604, subclass 200.
- VI. Claims 1, 2, 5-10, 12-15, 18, 19, 21, 53, drawn to a hypodermic injection system, classified in class 604, subclass 240.
- VII. Claims 51 and 59, drawn to a hypodermic injection system, classified in class 604, subclass 235.

- VIII. Claims 51 and 60, drawn to a hypodermic injection system, classified in class 604, subclass 232.
- IX. Claims 51 and 61, drawn to a hypodermic injection system, classified in class 604, subclass 218.
- X. Claims 51 and 62, drawn to a hypodermic injection system, classified in class 604 subclass 181.
- XI. Claim 63, drawn to a hypodermic injection system, classified in class 604, subclass 244.
- XII. Claims 1, 2, 5-10, 12-15, 18, 19, 21 and 64, drawn to a hypodermic injection system, classified in class 604, subclass 208.
- XIII. Claims 51 and 67, drawn to a hypodermic injection system, classified in class 604, subclass 258.
- XIV. Claims 51 and 80, drawn to a hypodermic injection system, classified in class 604, subclass 259.
- XV. Claims 51 and 81, drawn to a hypodermic injection system, classified in class 604, subclass 199.
- XVI. Claims 51 and 82, drawn to a hypodermic injection system, classified in class 604, subclass 242.
- XVII. Claims 1, 2, 5-10, 12-15, 18, 19, 21 and 83, drawn to a hypodermic injection system, classified in class 604, subclass 221.
- XVIII. Claims 1, 2, 5-10, 12-15, 18, 19, 21 and 85, drawn to a hypodermic injection system, classified in class 604, subclass 200.

XIX. Claims 51 and 86, drawn to a hypodermic injection system, classified in class 604, subclass 197.

XX. Claims 51 and 87, drawn to a hypodermic injection system, classified in class 607, subclass 239.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and (II, III, V-VIII, X, XI, XIII-XX) are unrelated and patentably distinct and separate inventions. A ram, carriage, spring, carriage resetting device, releasable latching device are required in invention I, but not in inventions II, III, V-VIII, X, XI, XIII-XX.

Inventions I and (IV and IX) are unrelated and patentably distinct and separate inventions. A cartridge is required in invention I, but not in inventions IV and IX.

Inventions II and (III-VI and VIII-XX) are unrelated and patentably distinct and separate inventions. A trigger is required in invention II, but not in inventions III-VI and VIII-XX.

Inventions II and VII are unrelated and patentably distinct and separate inventions. A cartridge is required in invention II but not in invention VII.

Inventions II and XII are unrelated and patentably distinct and separate inventions. A ram, carriage, spring, carriage resetting device and releasable latching device are required in invention XII but not in invention II.

Inventions III and (IV-XVII, XIX and XX) are unrelated and patentably distinct and separate inventions. A perforator is required in invention III but not in inventions IV-XVII, XIX nor XX.

Inventions III and XVIII are unrelated and patentably distinct and separate inventions. A cartridge is required in inventions XVIII but not in invention III.

Inventions IV and (V-VIII, X, XI and XIII-XX) are unrelated and patentably distinct and separate inventions. A ram, carriage, spring, carriage resetting device and releasable latching device are required in invention IV but not in inventions V-VIII, X, XI nor XIII-XX.

Inventions IV and IX are unrelated and patentably distinct and separate inventions. Physical contact of the containers by the user is required in invention IX but not in IV.

Inventions IV and XII are unrelated and patentably distinct and separate inventions. A cartridge is required in invention XII but not in invention IV.

Inventions V and (VI-X and XVI-XX) are unrelated and patentably distinct and separate inventions. A container holder is required in inventions VI-X and XVI-XX but not in invention V.

Inventions V and XI are unrelated and patentably distinct and separate inventions. Two cartridges are required in XI but not in invention V. Also, a rupturable seal is required in V but not invention XI.

Inventions VI and (VII-X and XIII-XVI and XIX and XX) are unrelated and patentably distinct and separate inventions. A cartridge is required in invention VI but not in inventions VII-X and XIII-XVI and XIX and XX.

Inventions VI and XI are unrelated and patentably distinct and separate inventions. A container holder is required in invention VI but not invention XI.

Inventions VI and XII are unrelated and patentably distinct and separate inventions. A ram, carriage, spring, carriage resetting device and releasable latching device are required in invention XII but not VI.

Inventions VI and XVII are unrelated and patentably distinct and separate inventions. Physical contact by the user is required in invention VI but not XVII.

Inventions VI and XVIII are unrelated and patentably distinct and separate inventions. A perforator is required by XVIII but not VI.

Inventions VII and (VIII-XX) are unrelated and patentably distinct and separate inventions. A trigger and stored energy is required in invention VII but not VIII-XX.

Inventions VIII and IX are unrelated and patentably distinct and separate inventions. A ram, spring, carriage resetting device, and releasable latching device are required in IX but not VIII.

Inventions VIII and X are unrelated and patentably distinct and separate inventions. A housing capable of housing at least two injectate cartridges having perforators is required in invention VIII but not invention X.

Inventions VIII and XI-XX are unrelated and patentably distinct and separate inventions. Physical contact by the user is required in invention VIII but not invention XI-XX.

Inventions (IX and XII) and (X, XI, XIII-XX) are unrelated and patentably distinct and separate inventions. A ram, carriage, spring, carriage resetting device, releasable latching device are required in inventions IX and XII but not inventions X, XI, XIII-XX.

Inventions IX and (XII, XVII and XVIII) are unrelated and patentably distinct and separate inventions. A cartridge is required in inventions XII, XVII and XVIII, but not invention IX.

Inventions X and (XI, XII, XVII and XVIII) are unrelated and patentably distinct and separate inventions. Cartridges are required in inventions XII, XVII and XVIII, but not invention X.

Inventions X and XIII are unrelated and patentably distinct and separate inventions. Simultaneously injection is required in invention XIII but not invention X.

Inventions X and (XIV and XIX) are unrelated and patentably distinct and separate inventions. A guard wall is required in inventions XIV and XIX but not invention X.

Inventions X and XV are unrelated and patentably distinct and separate inventions. A splash wall guard is required in invention XV, but not invention X.

Inventions X and XVI are unrelated and patentably distinct and separate inventions. A groove and ejection device are required in invention XVI but not invention X.

Inventions X and (XVII and XVIII) are unrelated and patentably distinct and separate inventions. A cartridge is required in inventions XVII and XVIII but not invention X.

Inventions X and XXI are unrelated and patentably distinct and separate inventions. At least six nozzles in a rectangular pattern is required in invention XX but not invention X.

Inventions XI and (XII-XX) are unrelated and patentably distinct and separate inventions. A rupturable seal is required in Invention XI but not inventions XII-XX.

Inventions XII and (XIII-XX) are unrelated and patentably distinct and separate inventions. A ram, carriage, spring, carriage resetting device, and releasable latching device are required in invention XII but not inventions XIII-XX.

Inventions XIII and (XIV-XX) are unrelated and patentably distinct and separate inventions. Simultaneously injection is required in invention XIII but not inventions XIV-XX.

Inventions XIV and (XV-XVIII and XX) are unrelated and patentably distinct and separate inventions. A guard wall is required in invention XIV but not inventions XV-XVIII nor XX.

Inventions XIV and XIX are unrelated and patentably distinct and separate inventions. A housing capable of housing at least two injectate-holding containers is required in invention XIV but not XIX.

Inventions XV and (XVI-XX) are unrelated and patentably distinct and separate inventions. A splash wall guard is required in invention XV but not inventions XVI-XX.

Inventions XV and (XVI-XX) are unrelated and patentably distinct and separate inventions. A groove and ejection device are required in inventions XV but not inventions XVII-XX.

Inventions XIX and (XX-XXII) are unrelated and patentably distinct and separate inventions. A plunger is required in invention XVII but not invention XVIII-XX.

Inventions XVIII and (XIX and XX) are unrelated and patentably distinct and separate inventions. A cartridge is required in invention XVIII but not inventions XIX nor XX.

Inventions XIX and XX are unrelated and patentably distinct and separate inventions. A guard wall is required in inventions XIX but not invention XX.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for one group is not required for the others, restriction for examination purposes as indicated is proper.

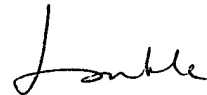
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Y. Lam whose telephone number is 571-272-0822. The examiner can normally be reached on M-Sat 11-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1641

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.L.



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04/04/05